

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ONYX ENTERPRISES INT'L, CORP., a New
Jersey corporation,

Plaintiff,

-against-

ID AUTO INC., a New York corporation,

Defendant.

Case No. 1:20-CV-05022-JSR



~~PROPOSED~~ FINAL JUDGMENT BY DEFAULT

JED. S. RAKOFF, United States District Judge:

WHEREAS, on August 10, 2020, counsel for Plaintiff certified to the Court that Plaintiff served the Amended Complaint and Summons on Defendant, ID Auto, Inc., on July 15, 2020;

WHEREAS, Defendant was required to plead or otherwise respond to the Plaintiff's Amended Complaint on or before August 5, 2020;

WHEREAS, as an initial scheduling conference telephonically held before the Court on August 10, 2020, about which Defendant was notified but did not attend, the Court granted leave for the Plaintiff to file a Motion for Default Judgment;

WHEREAS, on August 13, 2020 Plaintiff moved this Court for default judgment;

WHEREAS, on August 24, 2020 the Court held a telephonic hearing on Plaintiff's Motion for Default Judgment; and

WHEREAS, the Court having considered: (1) the Amended Complaint and Summons; (2) the Declaration of Mishele Kieffer in support of Plaintiff's Motion for Default Judgment; and (3) the

reasons stated on the record at the August 24, 2020 hearing, pursuant to Federal Rule of Civil Procedure 55(b)(2) and Local Rule 55.2(b), finds that:

A. This Court has jurisdiction over Defendant and subject matter of this action pursuant to 15 U.S.C. § 1121, 28 U.S.C. §§ 1331, 1338(a) & 1338(b), and § 1367(a); and

B. Defendant is in Default.

Accordingly, the court orders:

A. JUDGMENT BY DEFAULT shall enter, pursuant to Federal Rule of Civil Procedure 55(b)(2), in favor of Plaintiff Onyx Enterprises Int'l, Corp. against Defendant ID Auto, Inc;

B. A PERMANENT INJUNCTION shall enter against Defendant, along with its and all those in privity, concert or participation with Defendant as follows:

1. Defendant is enjoined from imitating, copying, duplicating, or otherwise making any use of Plaintiff's iD[®] Mark or any mark confusingly similar to Plaintiff's iD[®] Mark;
2. Defendant is enjoined from using any unauthorized copy or colorable imitation of Plaintiff's iD[®] Mark in such fashion as is likely to relate or connect Defendant with Onyx;
3. Defendant is enjoined from using any false designation of origin or false description which can or is likely to lead the trade or public, or individual members thereof, to believe mistakenly that any service advertised, promoted, offered or sold by Defendant is sponsored, endorsed, connected with, approved or authorized by Onyx;
4. Defendant is enjoined from causing likelihood of confusion or injury to Plaintiff's business reputation and to the distinctiveness of the Plaintiff's iD[®] Mark by

unauthorized use of the iD[®] Mark or any mark confusingly similar to the iD[®] Mark;

5. Defendant is enjoined from engaging in any other activity constituting unfair competition or infringement of Plaintiff's iD[®] Mark or Plaintiff's rights in, or to use, or to exploit the same;
6. Defendant is enjoined from assisting, aiding, or abetting another person or business entity in engaging or performing any of the activities enumerated in subparagraphs 1–5 above.
7. Defendant is ordered to transfer the domain name of www.idautomall.com to Plaintiff.
8. Defendant is ordered to remove any and all references to the iD[®] Mark, including any company or account names, logos, photographs or videos, and/or any other posts or references, from the Internet.

IT IS SO ORDERED

/s/ 

Jed. S. Rakoff, United States District Judge

8-24-20